IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.18201 of 2007

Dated: September 17, 2007

Between:

Gompa Appanna, S/o. Late Gompa Chinnaiah,
Aged about 77 years, R/o. Jaggarajupeta,
Gajuwaka, Visakhapatnam District, and others.

… Petitioners

And

The Sub-Registrar, Gajuwaka, Visakhapatnam
District.

… Respondent

Order:

Petitioners, five in number, filed this writ petition seeking Mandamus to declare the action of the respondent in not receiving the partition deed presented by them for registration as arbitrary and illegal and contrary to the provisions of the Registration Act, 1908 ('the Act' for brevity).

2. Heard learned counsel for the petitioner and learned

Government Pleader for Revenue appearing for the respondents.

3. The case of the petitioners is that they are legal heirs and successors of one Gompa Chinnaiah, who died in the year 1970, leaving behind immovable property, namely, land admeasuring Ac.2.85 cents in Sy.No.96/1. It is stated that all the petitioners were enjoying the said property jointly and having decided to partition the same they presented a partition deed before the respondent by affixing requisite stamps as per the provisions of the Stamp Act, 1899. The grievance of the petitioners is that though the partition deed presented by them is in accordance with the Stamp Act, 1899 and also Registration Act, 1908 respondent is not receiving the same, without assigning any reasons.

4. Though petitioners allege that the partition deed presented by them is not being accepted by the respondent, however, there is no proof in support of their allegation. If there are any objections with regard to accepting a document for registration, the registering authority is expected to record reasons for not receiving the said document, however, it cannot decline to accept the document at all without assigning any reason.

5. As much as petitioners allege that the partition deed presented by them is not being received by the respondent, I dispose of the writ petition directing the respondent to receive the partition deed which is proposed to be presented by the petitioners for registration and consider the same in accordance with the provisions of the Registration Act, 1908 and the rules made thereunder. It is clarified that if there are any objections for registering the said document, it is open for the respondent to record reasons and communicate the same to the petitioners. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 17, 2007
MRR